UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,107	04/08/2004	Mikio Sasagawa	0879-0437PUS1	8341

2292 7590 08/31/2007

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER	
LIN, ANDY C	

ART UNIT	PAPER NUMBER
2609	

NOTIFICATION DATE	DELIVERY MODE
08/31/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/820,107	SASAGAWA, MIKIO	
	Examiner	Art Unit	
	Andy C. Lin	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-9** rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 6,295,086 B1 to *Fukushima et al.* in view of Patent No. 7,197,228 B1 to *Monroe et al.*

As for **claim 1,** an image processing program used to direct a computer to perform the functions of: playing back moving picture data recorded on a record medium, and displaying moving pictures in a moving picture display area set on a monitor; extracting a predetermined number of frames of still picture data immediately before, after, or before and after a moment when a still picture extract command is input, from moving picture data at predetermined intervals, together with still picture data at the moment when the still picture extract command is input, based on the still picture extract command input during playback of the moving picture data; playing back each piece of the extracted still picture data, and displaying a still picture in a plurality of still picture display areas set in an area different from the moving picture display area on the monitor; and recording each piece of the extracted still picture data on a record medium.

Fukushima et al. teaches the use of an [image capturing program] that runs on a computer that also initiates playback of moving picture data off of a digital VTR that had previously

recorded onto itself a moving picture, and it talks about the playback being displayed on a monitor in a image display window, and that based on the pressing of an image capturing key during playback the current frame would be captured as a still image and be recorded (Column 5, lines 14-47). It then discloses that [a captured image display window] would be [provided so that the user can distinguish between various still image files] and that it would be displayed in [sequential (or random, if preferred) capturing operation of images], which is also depicted in Figure 3 showing a window for displaying the moving picture and a separate window for displaying a plurality of captured still images (Column 5, lines 48-54).

The idea of extracting a predetermined number of frames of still picture data immediately before, after, or before and after a moment when a still picture extract command is input, from moving picture data at predetermined intervals is taught by *Monroe et al.* where it talks about being able to capture still images in real time or in playback of the moving picture in a burst mode where you can have specific timed intervals (Column 2, lines 58-67). The menu of the invention also shows the options of setting a burst number and a burst interval (Column 8).

The inventions of *Fukushima et al.* and *Monroe et al.* are analogous art because both involve the capturing of moving picture and the generation of still pictures from the moving picture. It is obvious to one of ordinary skill in the art to apply the burst mode image capturing method taught by *Monroe et al.* for the motivation taught by *Monroe et al.* of the desire to capture a sequential series of still images near an event, the example being a target being destroyed and capturing at the moment the target is identified to be hit where burst mode would help capture images of before the target was hit and during as well as after the hit (Column 2, lines 58-67).

As for **claim 2** refer to rejection to claim 1. An image processing apparatus, comprising: a moving picture playback device which plays back moving picture data recorded on a record medium, and displays moving pictures in a moving picture display area set on a monitor; a record instruction device which designates a frame of a moving picture displayed in the moving picture display area to be recorded as a still picture; a still picture data extraction device which extracts a predetermined number of frames of still picture data immediately before, after, or before and after a moment when a record instruction is received, from moving picture data at predetermined intervals, together with still picture data at the moment when the record instruction is received, based on the record instruction received during playback of the moving picture data; a still picture playback device which plays back each piece of the still picture data extracted by said still picture data extraction device, and displays a still picture in a plurality of still picture display areas set in an area different from the moving picture display area on the monitor; and a recording device which records each piece of the still picture data extracted by said still picture data extraction device on a record medium.

These features are all disclosed in the rejection to claim 1, whereas now an apparatus with devices are disclosed, however *Fukushima et al.* also discloses that their program would be used with devices, such as a digital VTR that plays back moving picture data that it has recorded, a computer monitor for displaying the moving picture which was described to be in a display area in the rejection to claim 1, an image capturing board for capturing still images in the moving picture, and the previous monitor to display captured still images that was mentioned in the rejection to claim 1, and also a [recording/playback device for controlling reading/writing operations for each of the image files to/from a recording medium] (Column 3, line 20 – Column

4, line 36). The still picture data extraction device is taught by *Monroe et al.* that the system [utilizes a digital image capture system capable of operating as a recorder and playback unit] (Column 1, lines 56-60). As for the predetermined intervals before and after the command refer to rejection to claim 1 where burst mode was already discussed for the invention of *Monroe et al.*

The inventions of *Fukushima et al.* and *Monroe et al.* are analogous art because both involve the capturing of moving picture and the generation of still pictures from the moving picture. It is obvious to one of ordinary skill in the art to apply the burst mode image capturing method and device taught by *Monroe et al.* for the same motivation used in the rejection to claim 1.

As for **claim 3**, the image processing apparatus according to claim 2, further comprising: an extraction condition instruction device which designates a number of frames and intervals of still picture data to be extracted from the moving picture data, wherein said still picture data extraction device extracts the still picture data at the intervals and the number of frames of the still picture data designated by said extraction condition instruction device from the moving picture data.

Refer to rejection to claim 2, as for the extraction condition device it is taught by *Monroe et al.* to use a remote control unit that allows the selection and setting of different menu options including the burst mode discussed previously (Column 7, line 58 – Column 8, line 65).

The inventions of *Fukushima et al.* and *Monroe et al.* are analogous art because both involve the capturing of moving picture and the generation of still pictures from the moving picture. It is obvious to one of ordinary skill in the art to apply the extraction condition device taught by *Monroe et al.* for the same motivation used in the rejection to claim 1.

As for **claim 4**, the image processing apparatus according to claim 2, further comprising a record execution instruction device which designates execution of recording each piece of still picture data extracted by said still picture data extraction device, wherein said recording device records on a record medium each piece of still picture data extracted by said still picture data extraction device according to an instruction to execute recording from said record execution instruction device. Refer to rejection to claim 2, as for the record execution instruction device *Monroe et al.* teaches the use of a [single, multifunction remote control unit] that is used [to not only control the recorder record and pause and playback function but also to control the select, capture and transmit functions of the processor] (Column 3, lines 31-36). As discussed in the rejection to claim 2 the still picture data extraction device can record images to a recording medium in burst mode, as in a plurality of images in a predetermined time interval before and after the command to record a still image.

The inventions of *Fukushima et al.* and *Monroe et al.* are analogous art because both involve the capturing of moving picture and the generation of still pictures from the moving picture. It is obvious to one of ordinary skill in the art to integrate the multifunction remote control unit taught by *Monroe et al.* for the motivation taught by *Monroe et al.* in permitting [easy access and control of the system] (Column 3, lines 20-25).

As for **claim 5** refer to rejection to claim 3 and similar rejection to claim 4.

As for **claim 6**, the image processing apparatus according to claim 2, further comprising: an optical image capturing system; an image pickup device; a moving picture data generation device which continuously captures images picked up by said image pickup device through said optical image capturing system in a predetermined period, and generates moving picture data;

and a moving picture data recording device which records moving picture data generated by said moving picture data generation device on a record medium.

Refer to rejection to claim 2. As discussed the invention of *Fukushima et al.* includes a digital VTR, which includes digital camcorders, that are capable of recording and playing back moving picture image information (Column 1, lines 19-21), it is well known by one of ordinary skill in the art that a digital camcorder is an optical image capturing system that has an image pickup device that records several images per second to generate a moving picture and its data and records it onto a recording medium built-into the camcorder.

As for **claim 7** refer to rejection to claim 3 and similar rejection to claim 6.

As for **claim 8** refer to rejection to claim 4 and similar rejection to claim 6.

As for **claim 9** refer to rejection to claim 5 and similar rejection to claim 6.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy C. Lin whose telephone number is (571) 270-3310. The examiner can normally be reached on Monday-Friday:7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick Ferris can be reached on (571) 272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ACL/

8/28/07

DERRICK W. FERRIS
SUPERVISORY PATENT EXAMINER